

## ELDER AFFAIRS DEPARTMENT[321]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 231.14, 231.23A and 249H.10, the Elder Affairs Department hereby gives Notice of Intended Action to adopt new Chapter 14, "Iowa Family Caregiver Support Program," Iowa Administrative Code.

The proposed new chapter provides support services for family caregivers of persons aged 60 and over and for grandparents or older individuals who are relative caregivers of children. It also establishes standards for those services and includes a severability rule.

Any interested person may make written suggestions or comments on the proposed chapter on or before July 23, 2008. Such written suggestions or comments should be directed to the Department of Elder Affairs, Jessie M. Parker Building, 510 E. 12th Street, Des Moines, Iowa 50319; E-mailed to [danika.rosales@iowa.gov](mailto:danika.rosales@iowa.gov); or faxed to (515)242-3300.

These rules are intended to implement Iowa Code sections 231.23A and 249H.10.

The following amendment is proposed.

Adopt the following **new** 321—Chapter 14:

#### CHAPTER 14

#### IOWA FAMILY CAREGIVER SUPPORT PROGRAM

**321—14.1(231,249H) Purpose.** The purpose of the family caregiver program is to provide support services for family caregivers for persons aged 60 and over and for grandparents or older individuals who are relative caregivers of children. The program shall be called the Iowa family caregiver support program.

**321—14.2(231,249H) Definitions.** Words and phrases used in this chapter are as defined in 321 IAC 1 unless the context indicates otherwise. The following definitions also apply to this chapter:

*"Child"* means an individual who is not more than 18 years of age or is an individual with a disability.

*"Family caregiver"* means an adult, selected by the consumer or the consumer's legal representative, who is an informal provider of in-home and community care to an individual.

*"Grandparent"* or *"older individual"* who is a relative caregiver means a grandparent or stepgrandparent of a child, or a relative of a child by blood, marriage or adoption who is 55 years of age or older and:

1. Lives with the child; and
2. Is the primary caregiver of the child because the biological or adoptive parents are unable or unwilling to serve as the primary caregiver of the child; and
3. Has a legal relationship to the child, such as legal custody or guardianship, or is raising the child informally.

*"Respite care"* means temporary, substitute support or living arrangements for care recipients in order to provide a brief period of relief or rest for caregivers.

*"Supplemental services"* means services or items that are provided on a limited basis to complement the care provided by the caregiver.

**321—14.3(231,249H) Eligibility for services.** In order to be eligible for services under this chapter, a family caregiver shall be providing informal in-home or community care to:

1. A person aged 60 and over; or
2. A person of any age with Alzheimer's disease or a related disorder with neurological and organic brain dysfunction; or
3. A child or children under the age of 18; or
4. An adult child or children aged 19 through 59 with a disability.

**321—14.4(231,249H) Priorities for service.** In determining eligibility for services, priority shall be given to:

1. Caregivers providing care for an adult child with severe disabilities. Services provided to these caregivers are not counted against the 10 percent limitation for grandparents and other caregivers providing care to children under the age of 18; and
2. Caregivers who are older individuals with greatest social need, and older individuals with greatest economic need with particular attention to low-income older individuals; and
3. Those persons named in 321 IAC 7.3(231) and persons with low income, including low-income minorities and persons with limited English proficiency.

The order of this list does not create an order of priority. Priority ranking is equal for all categories listed.

**321—14.5(231,249H) Coordination.** The AAA and AAA contractors shall coordinate activities with other community agencies and volunteer organizations providing the types of services described in this chapter.

**321—14.6(231,249H) Service categories.** Each AAA shall provide all of the following services under this chapter. Services may be provided to individuals or to groups directly or through contract procedures as specified in 321 IAC 6. The services are:

**14.6(1) Information about available services.** This may include, but is not limited to, providing newsletters, seminars or other types of group presentations to family caregivers which identify and explain the various services that may be available.

**14.6(2) Access to services.** This includes, but is not limited to, information, assistance, case management, referral, outreach and adequate follow-up procedures to ensure that, to the maximum extent practicable, individuals receive the needed services that are available within their communities.

**14.6(3) Counseling, training and support groups.** This includes, but is not limited to, services such as:

- a. Individual or group support programs that develop or strengthen informal or family support systems.
- b. Formal or informal opportunities for individuals to acquire knowledge, experiences or skills in caregiving.
- c. Counseling to enable the caregiver and family to resolve problems or to relieve temporary stresses. Mental health and behavioral health services shall be provided by a mental health professional licensed in this state.

**14.6(4) Respite care.** Allowable services include:

- a. In-home respite;
- b. Respite provided by the care recipient attending an adult day service program, senior center or other nonresidential program;
- c. Institutional respite provided by placing the recipient in a setting such as a nursing facility for a short period of time; or
- d. Children attending summer camps or similar short-term care while children are being cared for by grandparents.

**14.6(5) Supplemental services.** Services may include, but are not limited to:

- a. Chore services such as heavy housework, yard work or sidewalk maintenance.
- b. An emergency in-home or wearable response system.
- c. Legal assistance.

- d.* Material aid in the form of goods or services such as food, smoke detectors, eyeglasses, security devices, or other similar aid.
- e.* Assisted transportation using regular vehicles which may include provision of assistance, including an escort, to a person with physical or cognitive difficulties.

**321—14.7(231,249H) Quality standards.**

**14.7(1)** AAA staff requirements. Each AAA shall:

- a.* Assess the full-time equivalent for its family caregiver program, considering current funding levels among other factors, and shall staff the program to best meet the needs of the service delivery area.
- b.* Employ or contract for a designated family caregiver specialist with the following demonstrated competencies:

- (1) A bachelor's degree in the human services field or an associate's degree in the human services field and two years of employment in information and referral positions, which may be substituted for a bachelor's degree.

- (2) If the applicant does not have the certification required in subparagraph (1), three years of employment in information and referral positions is required.

**14.7(2) Certification.** The family caregiver specialist shall possess a Certification for Information and Referral Specialists in Aging (CIRS-A) from the Alliance of Information and Referral Systems at the time of employment or shall agree to obtain such certification within six months of employment.

**14.7(3) Training.** The family caregiver specialist shall attend annual and other family caregiver specialist training when provided by the department during the term of employment.

**14.7(4) Local contract monitoring.** The AAA shall utilize a system to monitor all service providers' performance under the contract and promptly ensure that any problems that arise are corrected. All contracts shall be created and monitored under the provisions of 321 IAC 6.11(231) or 321 IAC 5.15(231) as applicable.

- a.* Monitoring means any planned, ongoing, or periodic activity that measures outcomes and ensures contractor compliance with the terms and conditions of the contract and customer satisfaction and also ensures that the contractor meets the needs of the caregiver.

- b.* The AAA shall conduct caregiver evaluations to determine the quality of services and goods provided, including but not limited to customer satisfaction surveys, inspections, and evaluation of goods and services provided.

- c.* Monitoring activities shall include:

- (1) Periodic contact, including on-site visits, to maintain a continuous dialogue with the contractor and to review progress on a regular basis.

- (2) Requiring the contractor to submit progress reports or other appropriate data based on predefined contract criteria. These reports shall include documentation of where and how moneys received were expended and results of caregiver performance evaluations and customer satisfaction surveys.

- (3) Reviewing the contractor's reports and verifying the services provided to determine if those services adhere to the contract. Substandard performance shall be identified and addressed appropriately, up to and including cancellation of the contract. Any action shall be completed as soon as possible to maintain quality service to the consumer.

- (4) Comparing contract billings with the terms contained in the contract to ensure that costs or payments are within contract parameters.

**321—14.8(231,249H) Reports.** The AAA shall record all services and submit all fiscal and performance reports for this program to the department in accordance with current instructions issued by the department.

**321—14.9(231,249H) Failure to meet standards.** When an AAA fails to meet the requirements of this chapter, the department shall follow procedures outlined in 321 IAC 4.

**321—14.10(231,249H) Severability.** Should any rule, subrule, paragraph, phrase, sentence or clause of this chapter be declared invalid or unconstitutional for any reason, the remainder of this chapter shall not be affected thereby.

These rules are intended to implement Iowa Code chapters 231 and 249H.